



Hendry County Sheriff's Office

General Order 5.10

TITLE: Electronic Mail Use and Retention	SHERIFF'S APPROVAL: Digital
ORIGINATION DATE: August 4, 2018	REVISION DATE: May 13, 2019
RELATED REFERENCES: <i>Chapter 119 F.S., General Records Schedule GS1-SI, General Records Schedule GS2</i> CFA: 26.04M, 32.01	
REVIEW FREQUENCY: 3 YEARS 2022	DATE OF NEXT REVIEW: May 13,

I. PURPOSE: The purpose of this order is to provide members with guidance to the proper use and storage of electronic mail.

II. SCOPE: This order shall apply to all sheriff's office members.

III. POLICY: It is the policy of the Hendry County Sheriff's Office to provide members with the best tools to effectively perform their job requirements. Electronic mail usage will be in compliance with the agency's policies and all users must either print or electronically store all official messages in accordance with *Chapter 119, Florida Statutes*.

IV. PROCEDURE:

A. Unacceptable Use

1. Prohibited uses of Sheriff's Office e-mail include:
 - a. Libel and slander
 - b. Obscene or suggestive messages
 - c. Racial, religious, ethnic, or sexual slurs
 - d. Political endorsements
 - e. Commercial activities or solicitation
 - f. Chain letters
 - g. Misrepresenting one's identity
 - h. Allowing unauthorized persons to use the agency e-mail system.
 - i. Sending or receiving copyrighted materials

- j. Retrieving or reading e-mail not sent to them.

B. Access And Privacy

1. Users should be aware e-mail that is created or received by an agency employee in connection with official business is a public record that is subject to inspection and/or copying in accordance with Florida Statute Chapter 119 and is subject to applicable state retention laws and regulations, unless specifically exempted by statute. E-mails created or received for personal use are not generally considered public records.

C. Retention

1. All public records must have an approved retention schedule in place before they can be destroyed or otherwise disposed of. E-mail is not a record series or storage medium, but rather a form of transportation from a sender to a recipient(s). Therefore, there is no single retention period that applies to all of the Agency's e-mail. The retention of any particular e-mail message will generally be the same as the retention for records in any other format that document the same program function or activity. It is not the responsibility of the e-mail server to retain or archive deleted official messages, rather, it is the responsibility of each Agency employee to ensure that e-mail and other public records in their custody are maintained for the required retention period(s). For interdepartmental e-mail communication, the sender who initiates an e-mail is responsible for the retention of the e-mail. Every recipient of official e-mail originating from outside the Agency is responsible for the retention of that e-mail as prescribed by public records law. All users must either print or electronically store all official messages in accordance with public records law. In the case of electronic storage, the information must be stored on media outside the scope of the e-mail server. Electronic media may be a hard drive, zip disk, diskette, optical disk, tape, etc. If the user elects to use electronic storage, a monthly backup schedule is required in order to protect the information from catastrophic failure. When storing e-mail, whether printed or electronically, the message should be filed/sorted in such a way as to ensure the applicable retention requirements are identified and met. The content, nature, and purpose of the e-mail will determine the retention period. For example, e-mail that relates to BUDGET RECORDS has a retention of three fiscal years, those that relate to RECEIPT/REVENUE RECORDS have a retention of five fiscal years. Consult the GS1SL and GS2 on the DMS system under "Type – Other", "Document #: GS1SL or GS2" for the appropriate retention series.

D. Destruction

1. Any official document, record or copy of a record covered by a State of Florida General Records Schedule GS1SL or GS2 retention period may not be destroyed without seeking approval from the Records Management Liaison Officer (RMLLO). The RMLLO for the Agency is the Records Unit Manager (the GS1SL and GS2 retention schedules can be found through the Intranet portal link at Portal/Support Services/Records/Records Retention. Transitory messages do not fall under the GS1SL or GS2 schedule and should be destroyed when they become obsolete, are superseded, or lose their administrative value. "Transitory Messages" are messages that do not set policy, establish guidelines or procedures, certify a transaction or become a receipt. For instance, an e-mail notifying employees of an upcoming meeting would only have value until the meeting has been attended. The Sheriff's Office Records Unit Manager may be consulted regarding the terms for storage and deletion of different types of electronic mail. If in doubt whether an e-mail transmission is a transitory or non-official message or a public record subject to the GS1SL or GS2 schedule, consult with the Sheriff's Records Unit Manager.

V. GLOSSARY

ELECTRONIC MAIL (E-MAIL) – Electronic transmission medium for messages, documents and other forms of correspondence. E-mail is not considered a record series or category.

GS1-SL, GS2 GENERAL RECORDS RETENTION MANUALS – Guidebooks published by the Department of State, Division of Archives and Records Management that establish the schedules for retention of public records for law enforcement agencies.

PUBLIC RECORDS – Section 119.011(12), F.S., defines public records as:

“All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency”.

Examples of public records include intra-office memoranda and preliminary working drafts communicated to other members of the Sheriff's Office for review. When in doubt as to whether your e-mail is a public record, consult the Sheriff's Records Unit Manager.

TRANSITORY MESSAGES – Transitory messages do not set policy, establish guidelines or procedures, transact financial operations, nor provide the function of a formal memorandum and are typically short-lived with little or no administrative value. These messages are not considered a public record. They are not designed for the perpetuation or formalization of knowledge. Transitory messages can be compared to a telephone conversation, written telephone messages, “post-it” notes, or verbal communications in an office hallway.

Your electronic signature in Power DMS acknowledges you have read this policy and understand it.